IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

WP(C).No. 32257 of 2007(M)

PETITIONER:

JAMES JOSEPH, S/O JOSEPH, AGED 42 YEARS,
MUTTATHETTU HOUSE, ANAKKARA P.O.,
CHAKKUPALLAM, KUMALI.

BY ADV. SRI.GEORGE MATHEW

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
DISTRICT COLLECTOR, CIVIL STATION,
PATHANAMTHITTA.

2. GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
PATHANAMTHITTA DISTRICT.

3. DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
IDUKKI DISTRICT.

4. SUB INSPECTOR OF POLICE,
PULIKKEZHU POLICE STATION,
PATHANAMTHITTA DISTRICT.

BY GOVT. PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

W.P.(C). NO. 32257 OF 2007

Dated this the 12th day of November, 2007

J U D G M E N T

The prayer in this writ petition is to direct the respondents to release the lorry bearing Reg. No.KL-16 B-1341 with the sand to the petitioner. The vehicle was seized on 17.9.07 on being intercepted by the 4th respondent holding that the sand transported was not having a valid permit. Though the petitioner submits that when the vehicle was intercepted the load was accompanied by Ext.P2 'P' form, that is disputed by the respondents. Respondents also make reference to a statement made by the petitioner on 18.10.07 wherein the petitioner himself had admitted that at the time of incident there was no pass accompanying the load. Irrespective of the controversy that are raised, I am not inclined to pass an unconditional order for release of the vehicle, as sought for by the petitioner. Therefore, if the petitioner wants release of the vehicle pending adjudication, he shall furnish a bank guarantee for the value of the vehicle to the satisfaction of the 1st respondent. This suggestion made by the court has been accepted by the petitioner.

Therefore, I direct the 1st respondent to fix the value of the truck within 7 days from the date of receipt of a copy of this judgment. If the petitioner furnishes a bank guarantee for the value so fixed, the truck will be released to the petitioner, on an undertaking being filed that as and when required ,the truck will be produced. 1st respondent shall also complete the adjudication proceedings against the petitioner, as expeditiously as possible, at any rate, within three weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE

vps